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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,442

10/23/2003

Scott Hanggie

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08/25/2009

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,442	Applicant(s) HANGGIE ET AL.	
	Examiner Antonio A. Caschera	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11,13,15-22,24-30 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-11,13 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 37 is/are rejected.
- 7) ☒ Claim(s) 22 and 24-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (U.S. Patent 6,466,239).

In reference to claim 21, Ishikawa discloses a computer implemented method of displaying a window in a graphical user interface of a shell of an operating system (see column 1, lines 7-17 and Figure 9 wherein Ishikawa discloses a graphics data generating apparatus and method for scripting of editing of positioning and shaping of 3D graphics in a 3D virtual space using a GUI. Ishikawa further discloses the method implemented on a computer system comprising a display device and CPU executing instructions (see column 11, lines 10-47) wherein the Examiner interprets the at least some of the instructions inherently defining some sort of operating system for the computer system.), comprising:

receiving window information from an instance of an application program associated with a computing device (see columns 11-12, lines 48-22 wherein Ishikawa discloses the computer system receiving VRML content, defining a 3D virtual space for display, from a server apparatus. The Examiner interprets such VRML content inherently defining window information for the display of the content as seen in at least Figure 9.); and

rendering a window on a display associated with the computing device having a base object and a plurality of discrete primary content objects, wherein rendering is based on a base geometry defined by a mesh (see Figures 9, 17a-b and 21-22 wherein Ishikawa discloses rendering a GUI including multiple windows, two of which display multiple objects in both "3D Perspective" and "Side Parallel" views. Note, the "3D Perspective" view displays both base objects and other objects not currently being edited (see Figure 9 and how "cone" shape is editing while "circle" and "cube" shapes are also displayed. Further, "Parallel" view shows the side view of the "cone" shape object in a "wireframe" form which the Examiner interprets equivalent to Applicant's mesh (see Figure 17b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washington et al. (U.S. Patent 5,870,088) in view of Ishikawa (U.S. Patent 6,466,239).

In reference to claim 37, Washington et al. discloses a data processing system (see Figure 25 and column 5, lines 1-30 wherein Washington et al. discloses a computer system that processes graphical data for the user editing of GUI objects.) comprising:

a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and properties for one or more primary content

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objects, wherein the properties for the base object comprise a base geometry, and wherein the base geometry property comprises a plurality of vertices defining a mesh; (see column 1, lines 19-21, columns 1-2, lines 24-31, column 5, lines 1-21, column 6, lines 1-13 and Figures 1, 5, 14 and 25 wherein Washington et al. discloses computer software for implementing the method of editing or even creating controls via a direct graphical user interaction. Washington et al. discloses graphical controls or objects being manipulated on screen by a user so that the objects' properties are modified and stored in memory. Washington et al. further discloses the graphical user interaction via a GUI which comprises a container including properties for the container, where objects are dropped thereon. Note, the Examiner interprets the container and controls/objects of Washington et al. equivalent to applicant's base object and primary content objects respectively. Further, Washington et al. discloses a frame of the window GUI comprising properties for both the container and objects/controls of the container based upon which is currently selected (see Figures 1 and 14).);

a compositing desktop window manager software module that composes a desktop based on the window properties of each window for which properties are stored, wherein for one of the plurality of windows for which properties are stored, the memory stores a plurality of primary content objects, and wherein each primary content object defines the size and shape of a data field of the window (see column 5, lines 1-30, Figures 7, 9 and 12-14 wherein Washington et al. discloses the computer system rendering a GUI including objects and their set properties embedded in a form of the GUI according to computer software stored in a memory and executed by a CPU. Further, as can be seen from at least Figures 1 and 14, the container or "Form" properties can be seen on the right hand side while in Figure 14, a selected object/control

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of the container can be seen with it's properties shown in new window. Further, Figure 12 of Washington et al. clearly shows that there maybe multiple or a plurality of objects located on the form/container. Lastly, Washington et al. further explicitly discloses properties of the objects to include shape and size parameters (see column 2, lines 5-32 and Figures 9 and 14 "height" "width" properties of the object which in this case is a slide control which the Examiner interprets as inherently representing a "data field" position/size.).

Washington et al. does not explicitly disclose the base object property comprising a mesh however Ishikawa discloses a graphics data generating apparatus and method for scripting of editing of positioning and shaping of 3D graphics in a 3D virtual space (see column 1, lines 7-17). Ishikawa explicitly discloses a user interface comprising a plurality of GUI windows which display a base object geometry (see the "cone" of Figure 9) in "3D perspective" and "Side Parallel" views (see Figures 9 and 17a-b). It can be seen from Figure 17b that Ishikawa explicitly discloses a "wireframe," seen as equivalent to Applicant's mesh, for displaying the object. Further, Ishikawa discloses defining properties for the base object (see at least the "Appearance" window of Figure 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the wireframe/mesh graphical object viewing techniques of Ishikawa with the interface editing techniques of Washington et al. in order to provide a more in-depth and detailed oriented graphical object editor allowing for alternate views of objects so that more accurate editing of the objects could be implemented thereby creating more realistic graphical objects.

Response to Arguments

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3. Applicant's arguments, see page 9 of Applicant's Remarks, filed 06/16/09, with respect to the objection of the abstract have been fully considered and are persuasive. The objection of abstract has been withdrawn since previous informalities have been corrected for.

4. Applicant's arguments, see page 10 of Applicant's Remarks, filed 06/16/09, with respect to the 35 USC 101 rejection of claims 21, 22 and 24-30 have been fully considered and are persuasive. The 35 USC 101 rejection of these claims has been withdrawn.

Applicant's arguments, see pages 10-11 of Applicant's Remarks, filed 06/16/09, with respect to the rejection(s) of claim(s) 37 under 35 USC 102(b) in view of Washington et al., have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Washington et al. and Ishikawa.

5. Note, an updated prior art search has yielded the Ishikawa reference, which the Examiner interprets as directly applicable to the recited claim language.

Allowable Subject Matter

6. Claims 1, 3, 5-11, 13 and 15-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claim 1, the prior art of record does not explicitly disclose a computer readable medium having computer executable instructions embodied therefor for storing a data structure defining a window for drawing on a desktop displayed on a display device, the window comprising a first data field storing base content object properties for a base content, the field subdivided into a portion storing properties comprising base geometry and another portion to

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store properties comprising a plurality of vertices defining a mesh, in combination with the further limitations of claim 1.

In reference to claims 3 and 5-10, these claims depend upon allowable claim 1 and are therefore also deemed allowable.

In reference to claim 11, the prior art of record does not explicitly disclose a processing system having a memory storing window properties defining a window, the memory storing base content object properties and one or more primary content objects, storing properties comprising base geometry, the base geometry property comprising a plurality of vertices defining a mesh, in combination with the further limitations of claim 11.

In reference to claims 13 and 15-20, these claims depend upon allowable claim 11 and are therefore also deemed allowable.

7. Claims 22 and 24-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Friday between 7:00 AM and 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

/Antonio A Caschera/

Primary Examiner, Art Unit 2628

8/25/09